



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 3 2001

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Cert. No. 7000-0600-0029-3839-5237

In Reply Refer to:

EPA File No. 4R-00-R8

[REDACTED]
[REDACTED]
[REDACTED]

Re: **PARTIAL REJECTION/REQUEST FOR CLARIFICATION**

Dear [REDACTED]

This letter concerns the administrative complaint that you filed on June 25, 2000, with the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR), on behalf of the Reisbeck Subdivision, Adams County, Colorado, the Restoration Advisory Board for the U.S. Army Rocky Mountain Arsenal, Colorado, (U.S. RMA), the Site Specific Advisory Board to EPA Region 8 for U.S. RMA, and yourself. In the complaint, you allege that the state of Colorado (State), has violated Title VI of the Civil Rights Act of 1964, as amended, (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's Title VI regulations set forth at 40 C.F.R. Part 7, in implementing environmental cleanup activities at U.S. RMA.

Under Title VI, a recipient of Federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). A complaint must meet the jurisdictional requirements described in EPA's Title VI regulations for investigation. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. 40 C.F.R. § 7.120. Fourth, because EPA Title VI regulations only apply to applicants for and recipients of EPA assistance, the complainant must identify an applicant for or a recipient of EPA assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

In the complaint, you allege that groundwater contamination caused by both U.S. RMA and Shell Oil Company has resulted in a cumulative adverse disparate impact on minority residents of Adams County. You also allege that "during year-end (sic) 1998, the State permitted (?) a new groundwater contamination point source exposure pathway - [The US RMA

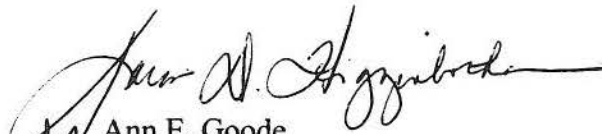
On-Post Hazardous waste Landfill].” However, you subsequently state that you “do not know if the State has completely permitted the Landfill Treatment System.” Further, you also allege that the State has failed to enforce the state groundwater standard for diisopropylmethyl phosphonate (DIMP) plumes.

EPA is concerned about these allegations; however, EPA’s Title VI regulations require complainants to describe alleged discriminatory acts committed by an EPA recipient. Your complaint lists allegations against the State generally. Information available to OCR indicates that the Colorado Department of Public Health and Environment (CDPHE) is the EPA recipient involved in environmental cleanup activities at US RMA. With regard to your allegation that the State has issued a “landfill treatment system” permit, information available to OCR indicates that neither the State nor CDPHE has the authority to issue this type of permit. Therefore, OCR has determined that neither the State nor CDPHE has issued this permit to U.S. RMA. Accordingly, OCR will not accept this allegation for investigation because neither CDPHE nor the State has taken the alleged discriminatory act raised in your complaint.

Further, EPA’s Title VI regulations require that complaints must be filed within 180 days of the alleged discriminatory act. With regard to your allegation that the State has failed to enforce the state groundwater standard for DIMP plumes, you do not specify when the State failed to enforce the standards. Accordingly, OCR requests that you indicate the specific period(s) when you believe the State failed to enforce the state groundwater standard. Please submit the requested information within 45 calendar days of receipt of this letter. If you fail to submit this information within this period, OCR will not accept this allegation for investigation and will close the complaint file.

If you have any questions, please contact Yasmin Yorker of my staff, by telephone at (202) 564-7272, by e-mail at yorker.yasmin@epa.gov, or by mail to the U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Ann E. Goode
Director

cc: Jane E. Norton
Director
Colorado Department of Public Health & Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

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